

SENATE

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poo landing. Another petition submitted by Baker, signed by thirty-seven voters whose children are attending the Napoosoo school, for a new four-room schoolhouse. Another petition asks for an appropriation to complete the last link of the belt roads in the Island of Hawaii, between Keamuku and the Volcano House in Kau, a distance of about five miles. The fourth petition asks for an appropriation to build a new courthouse and jail at Waiehenu, Kau.

Senator Fairchild observed that provision for a jail at Waiehenu had already been made in Senate Bill No. 123, and said that it was making more work to receive petitions for appropriations already included in Bill 123.

Petition From Women.

Senator Coelho submitted a petition from twenty-five women, residents of Kaunakakai, Molokai, asking for various legislation, including a prohibition against the intermarriage of Hawaiian women with men not of their own race.

Consideration of the Governor's veto message, No. 11, on House Bill No. 17, came up on the order of the day. Senator McCarthy said that he had been informed by Representative Douthett that the House had deferred consideration of the veto message until today and the same postponement was made by the Senate on motion of Senator McCarthy.

Senate Bill No. 83, Senator Chillingworth's measure, relating to the acknowledgment and execution of written instruments, passed third reading after an amendment to the title. President Smith, following the reading of the bill, called attention to the language of the title, which stated that the purpose of the bill was "to provide a law uniform with the laws of the other States and Territories." President Smith said that this would be open to misconstruction, granting that the law was not uniform with the laws of all other States and Territories. Senator Knudsen said that the law was the same as the laws of about ten States. He agreed with President Smith that the clause "uniform with the laws of other States and Territories" should be stricken from the title and his motion to that effect was carried. The bill passed third reading without a dissenting vote.

Regrets Veto Necessary.

President Smith took occasion to express his regret that the Governor had found it necessary to veto a bill solely because of a technical defect due to an oversight upon the part of both houses of the Legislature.

"Bills should be vetoed because of a difference of opinion," said President Smith, "and I am mortified that House Bill No. 136 was vetoed because of an oversight on our part. We should be more careful in considering bills in the future."

Senator Chillingworth's Home Rule resolution came up on the order of the day, but because of the absence of its sponsor, Senator Robinson moved to defer action on the resolution until Senator Chillingworth was present.

House Bill No. 53, the threadbare publication bill, was considered on third reading. The absence of Senator Chillingworth and his note caused the ensuing parliamentary muddle, and although Cushing's Manual proved a stout supporter of the attitude taken by the President of the Senate, it did not agree with the opinion of the Senate majority.

When the bill came up, Senator Makekahu moved an amendment so as to state specifically that the session laws must be published in "newspapers published in the Territory of Hawaii." This wise provision was inserted and will prevent the session laws being published in New York or Chicago papers. Makekahu then moved to pass the bill on third reading, seconded by Senator Woods. Senator Robinson offered an amendment to lay the bill on the table, seconded by Senator Fairchild, but the motion was lost. The vote on the motion to pass on third reading produced a tie, seven to seven, Senators Fairchild, Harvey, Moore, McCarthy, Quinn, Robinson and Smith casting their vote against the passage of the measure. The Senators thinking that the Secretary of the Territory should have a wider latitude in the publishing of the session laws were Baker, Brown, Coelho, Kalama, Knudsen, Makekahu and Woods.

A Parliamentary Puzzle.

"The bill is dead," said President Smith. Immediately exception to this ruling was taken by Senator Knudsen. The former Speaker of the House of Representatives is familiar with the convolutions of parliamentary law, and he declined to admit that the tie vote had given a final and fatal thrust to the bedeviled bill that has been indefinitely postponed, deferred, reconsidered and, in short, gone through a sort of parliamentary Marathon.

President of the Senate Smith took the stand that on a tie vote the motion is lost or "falls to the ground," as one authority on parliamentary practice expresses it. But Senator Knudsen refuses to fall prostrate before the mandates of Cushing. The Senate majority believes that the bill is not dead—that it can be taken up on third reading again, and that its failure to pass third reading yesterday does not affect its standing. Unfortunately enough, Secretary Morrison has not yet received the eight-volume set of "Hind's Parliamentary Precedents," which the Delegate to Congress has written that he will forward for the use of the Legislature. Perhaps the work by Speaker Cannon's right-hand man could assist in deciding the question involved.

The problem has been submitted to a score of legislators in both houses with a decided difference of opinion on the question presented. It is not prob-

able that President Smith will capitulate to the views of the majority and place House Bill No. 53 on the order of the day today.

Pass Claim Bill.

Senate Bill No. 105, providing for the payment of county claims caused through the act of 1903, was passed on third reading without a dissenting vote, but Senator Makekahu immediately asked that his affirmative vote be changed to the negative.

Following a serious discussion as to the propriety of Makekahu's request, he was excused from voting after he had explained that he was one of the claimants to be paid under the appropriation in the bill. While President Smith was hesitating over Makekahu's request, Senator Coelho stated that Makekahu would "place himself in a position of criticism and censure" by having his vote recorded on a measure in which he was interested in a pecuniary way. Makekahu's request was finally granted by Knudsen's motion to have his vote stricken from the records.

Senate Bill No. 110, encouraging diversified industries through tax exemption, was passed on third reading.

Senate Bill No. 118, a measure designed to prevent persons wearing the badges of various organizations unless entitled to do so, passed second reading through the favorable report of the Judiciary Committee. The committee commended the idea of the bill because it was obviously intended to prevent imposition and fraud.

Resolution Is Killed.

At the afternoon session of the Senate a communication was received from the House of Representatives stating that it had passed Senate Bill No. 48, relating to covenant renewals of certain government lands at auction, in an amended form. On motion of Senator McCarthy the amended bill was referred to the Judiciary Committee for consideration and report.

Then Senate Resolution No. 44, deferred from the morning session, came up for consideration and produced a debate on the problems of Home Rule and the stand for the appointment of citizens of the Territory to public offices.

Senator McCarthy immediately went into action with a motion not to adopt the resolution. In stating his reasons he said:

"I agree with the spirit of this resolution, but I do not approve of its present form. This would be an appropriate resolution for a bar association or some other similar civic body, but I do not think it would be proper for us to send such a resolution to the President of the United States. I am in sympathy with the idea itself, but I can not approve of sending such a document to the President. It would not be in keeping with the dignity of the Senate."

Senator McCarthy called attention to the wording of the resolution, which, in the first paragraph, referred to a "newspaper report" as being authority for the belief that an outsider was to be appointed as the new Federal judge.

Senator Chillingworth agreed that this was a rather frivolous construction and his motion to strike out the inflammatory word "newspaper" was carried.

W. O. Smith Favors It.

President of the Senate Smith called Vice President Kalama to the chair and took the floor in support of the resolution.

"I can see no impropriety in petitioning the President or Congress in a matter of this kind," he said. "If we present our views in a respectful manner and show that we are opposed to Territorial offices being filled by non-residents, it is well within our rights. Strangers are apt to come here with preconceived ideas—sometimes wrong—that it takes a period of residence to remove. On the other hand, there is no lack of capable men here who are perfectly able to fill public offices in a manner necessary to the proper administration of government. The people here are just as patriotic as the people resident in any portion of the United States. I have often contended that the Hawaiians are Americans by force of association. The extension of the American school system to these Islands was an important factor, and the people were Americans in sympathy and habit long before the days of annexation. In New Zealand the native Maoris have absorbed the spirit of English institutions; in Tahiti the natives are French in manners and life, and the German influence is prevalent in Samoa."

"In these Islands for seventy-five years the life has been based on American principles. The judicial system was based on that of the United States; the business system was American by reason of the close trade relations maintained. There is no impropriety to express ourselves on this subject. We are now a Territory, trying to show that we are able to govern ourselves on American lines. Other Territories are jealous of their right in matters of this kind, and I see no objection to this resolution on principle. It might be better worded; I think it is a little too long, and would suggest that the preamble is unnecessarily long."

Senator McCarthy was next recognized by the chair, and he said that he had no objection to the resolution being sent to the Delegate to Congress, but he reiterated his view that it would be distinctly improper to forward such a document to the President of the United States. He thought it might be well to refer it back to the Judiciary Committee. Senator Smith also thought it might be better to send the resolution to the Delegate, with a request that he present it to the high official named.

Chillingworth's Views.

Senator Chillingworth defended the object of the resolution at length. He said:

"I do not agree with Senator Smith's view that the preamble is too long. This is the first time that a resolution of this kind has come before our Legislature, and it is absolutely necessary to state fully the causes and conditions upon which action is based. Many people in the States think we are savages, wearing a breech clout and chewing on a bone. It was ignorance of this kind that I encountered on a visit to the mainland."

"It may be argued that there is no precedent. All the States and Territories have laid down the principle that

they are opposed to the payment of political debts by the appointment of strangers to govern them."

"There are men of equal ability to be found in this Territory. The statement that a Washington man is to be appointed for office here is no wild report. Our Chief Executive remains silent upon the subject, but there is no lack of evidence to show that the report is well founded."

Praises Breckons.

"As to the District Attorney, I sincerely hope that he will remain in office. With all due respect to his predecessors, I must say that he is the ablest man we have ever had in that position."

"I am not making this fight for Mr. Atkinson. There are probably better men than Mr. Atkinson who would talk less. Therefore I move that the resolution pass as amended."

Senator Harvey thought that the adoption of the resolution would be "overriding the Delegate." He said that the Delegate represented the people of the Territory and that it should go to him direct. Chillingworth called for an aye and no vote on McCarthy's motion not to adopt.

Senator Baker moved to refer the resolution back to the Judiciary Committee, but Chillingworth observed that Baker was out of order.

Senator Quinn moved that the resolution be indefinitely postponed, and there was a chorus of seconds.

Senator Smith again expressed the hope that the resolution would not be indefinitely postponed, because he declared that all objections could be met by sending it to the Delegate, by him to be presented to the President and other officials of the Federal Government.

The motion for indefinite postponement was carried by a decisive vote of 9 to 5, the ayes being Senators Baker, Brown, Coelho, Harvey, McCarthy, Moore, Quinn, Robinson and Woods.

Those who cast their votes for the resolution were Senators Chillingworth, Kalama, Knudsen, Makekahu and Smith.

HOUSE

(Continued From Page One.)

69 of the Session Laws of 1907, is hereby amended to read as follows:

"5. To make and enforce within the limits of the county all necessary ordinances covering all local police matters and all matters of sanitation, inspection of buildings, plumbing, sewers, dairies, milk, fish and food, quarantine, fumigation, disinfection, suppression and prevention of contagious diseases other than leprosy, cemeteries, burying grounds, interment of the dead and morgues; and no such ordinance shall be invalid for the reason that it covers, in whole or in part, any subject covered by the general laws of the Territory; to appoint government physicians and such sanitary and other inspectors as may be necessary to carry into effect ordinances made as aforesaid, who shall have the power given by law to agents of the Board of Health, subject only to such limitations as may be placed on them by the terms and conditions of their appointments; to fix a penalty for the violation of any ordinance, which said penalty may be a fine not to exceed \$500 together with costs of court, and to provide that in the event of default in the payment of such fine and costs, the offender shall be imprisoned until such fine or costs shall have been discharged by operation of the general law applicable to such cases."

One bill applies as an amendment to the County Act and another to the Municipal Act.

Substitute Income Exemption.

Affonso's Income Tax Bill, which had been raised from the table to take the place of the Cohen bill, vetoed, was passed on second reading on report of the Finance Committee. The committee had retained the number of the bill but changed about everything else in it.

Third Readings.

The bill to prohibit the sale of certain fish after the same had been kept on ice, House Bill 138, was up on third reading. The bill had been amended very much in committee and made a measure proper to enact. The bill passed without debate.

Rice Sees a Bait.

House Bill 143, Shingle, to provide for the establishment and maintenance of the Library of Hawaii, the measure through which it is hoped to get a hundred thousand or so from the Laird of Skibo, was up on third reading. An amendment by Rice to strike out the section appropriating \$10,000 a year for the library, was also read with the bill.

Shingle moved the tabling of the amendment, Rice asking for the unanimous consent of the House to allow him to speak upon his amendment. Shingle refused his consent, "to save the time of the House." The amendment was tabled and Shingle presented another, yielding the floor to Rice to speak upon the amendment, which was to the effect that the Legislature "may" appropriate for the expense.

"This is just a little bait," said Rice; "just a little bait to coax the bill through. He opposed the amendment and explained that the library board could make its arrangements with the city of Honolulu for the financial upkeep of the library, the city being the place to benefit from the library. He thought the amendment with the section it was to replace, however, and moved to adopt it, after stating that it was a shame to think of spending \$10,000 a year on a library when more important things had to go under for lack of funds. Rice closed by moving the deferring of the bill. The motion car-

ried by a vote of the rest of the Territory against Honolulu.

Street-Car Bill Debate.

The air-brake street-car bill, House Bill 107, which had been passed until all but cars of an unloaded weight of fourteen tons or over had been put without the limits of the measure, was up for final reading. On questions asked, it was brought out that none of the cars now in use weighed over thirteen and a half tons.

Nawahine said the intent of the introduction of the bill was to protect passengers, and he saw no reason why passengers in a small car were not as much entitled to protection as those in a large car. Coney said the idea of the Legislature was not to inflict hardships on any person or corporation, and to make it obligatory to equip all street cars now with air brakes would mean the throwing out of use of about twenty-five small cars and an expense of \$500 apiece for all other cars. He believed the present brake as effective and safer than an air brake. Any brake could prevent a car sliding.

Kaniho asked some questions. He wanted to know why it was not possible to put air brakes on the small cars. He was told that there was no room Kaniho wanting to know how many passengers these would crowd off.

Castro asked that the bill might be deferred until today, in order that the members might look further into the question of car weights. It was deferred.

Auditors' Bonds.

There was a long debate on Senate Bill 78, to increase the bond requirements of the various county auditors, a debate in which Rice, Coney and Shingle trained big financial guns on Kaniho. The Kohala member thought it useless to make the auditors increase their bonds, advancing as principal reasons the facts that the Supervisors had not asked the Legislature to make this demand, and that the bill would make it hard upon auditors who were poor men. He thought an honest auditor would be honest and a dishonest one dishonest, no matter whether the bonds be one or one million dollars.

Shingle derided the idea of waiting for the Supervisors to ask for this legislation. "The Supervisors are not to tell us what to do; we are here to tell the Supervisors what to do," he said. "We are the supreme body in this Territory."

It was decided to pass the bill on second reading.

Senate Bill Passed.

Senate Bill 48, Woods, to repeal Section 259 of the Revised Laws, relating to covenants for renewal at auction of certain government leases, after being amended as to phraseology, was passed on third reading.

House Bills Safe.

Notification was received from the Senate that House Bills 96 and 120 had passed all tests and were ready for the Governor.

Senate Bills 104, 111 and 114 came in and were passed on first reading.

Committee of the Whole.

After some jangling between Shingle and Rice as to where the committee would next begin to mutilate the Governor's estimates in the appropriation bill, the legislators took up the deferred matter of hospitals, immediately after the noon recess. Coney reported that from February 28, 1908, to February 28 this year, 1090 patients were treated at the Queen's Hospital, of whom eighty-three came from the other Islands. The income for two years ending December 31 last had been \$70,984.31 and \$24,000 from the government, a total of \$94,984.31. There were also a number of special donations for certain wards or beds in the hospital. The hospital was free and had many expenses, being behind financially and without prospect of pulling even. The majority of the patients from other islands were treated free, although a large proportion are paying patients.

Furtado thought the information not definite enough, and wanted detailed lists. Correa objected. He thought the information definite enough to convince the House that the hospital was for the use of the whole Territory. He called for action and moved the item pass as in the bill.

Rice said that no one in all fairness could expect the outside islands to support each their own hospital and have the Territory support the Queen's Hospital. He was sure that 75 per cent. of the free patients from outside were entitled to free treatment under the will of Queen Emma. If the Queen's Hospital must be helped, either let Oahu do the helping or let the Territory help all the hospitals.

Rice pointed out that Kaniho money was to be used to build a children's hospital in Honolulu to show that Kaniho was always willing to help Honolulu. He also said that all hospitals should be exempt from taxation.

Shingle said Rice was not stating the matter fairly, because Oahu proposed taking care of the Leahi Home and the Kapiolani Maternity Home. Even with \$24,000 from the Territory, the Queen's Hospital ran short \$6000. He appealed to the Hawaiian members to keep running the institution endorsed by Queen Emma.

On a show of hands the item passed. Shingle then moved to strike out the items for the Leahi Home and the maternity home. They were struck. In quick succession the items for the Hilo and Maui hospitals went out, the total under hospitals being cut in all from \$68,200 to \$24,000.

National Guard.

Kaniho was called upon to speak upon the item for \$5400 for salary of the Adjutant General. He promptly responded.

"I move to amend it from \$225 a month to \$150," he said. "I have said and I repeat that when war comes this man will be hiding in the glue bushes. I was inclined at first to strike the item out, but as we have two militia bills on our hands we have to have some man, even if he would run in case of war. You have all seen my soldiers and my guns out at Diamond Head, big guns that will shoot anywhere. Compared with those guns, what could the Adjutant General do? It is foolish to spend Territorial money fattening this thin person. I wonder he doesn't get fatter, but he doesn't."

"Some of you may think this is a joke, but I am going to stand my ground. I am not in favor of paying good money to men who only stand around."

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ground. I am not in favor of paying good money to men who only stand around."

Coney said it was a question of whether the department is really needed or not. If not, cut it out altogether; if it was, a good man was wanted. A \$125 man was more apt to look for glue bushes than a \$250 man. The forts and guns must be backed up by militiamen.

"For myself, Mr. Chairman, I don't want any mainlanders to have to come here to protect me. I want to do it myself and have my children brought up able to defend themselves. And to have good training for our militia we must have a good man at the head, and you can not get a good man for little money."

Affonso moved to put the figure at \$200 a month.

Kamahu said that Colonel Jones would have a good thing—\$200 as Adjutant General and \$175 as court stenographer. Correa set him right.

Kaniho asked permission to talk some more, insisting on his cut going into effect. All a man who would run and hide was worth was \$150 a month. It was not a question of salary giving courage because the U. S. regulars only got \$13 a month and they did not run away. He thought regular army pay enough for Jones. He resented any imputation that a regular army man could run away. He thought Jones ought to get, perhaps, about ten cigars a month.

Rice said "some kind friend" had sent him a copy of the National Guard magazine, from which he learned that the Adjutant General of Colorado received \$200 a month.

Coney reminded the members that Hawaii was a much more important station than Colorado or other inland Western States.

The motion to put the salary at \$200 a month received fourteen votes, a majority.

Smooth Sailing.

The Adjutant General was voted a clerk at \$75 a month, a janitor and aramorer at \$40 a month and \$12,000 for expenses. This gives \$19,560 in all for the department, a cut from the estimates of \$600.

The expenses of the Secretary's offices at \$15,960, passed.

Expenses of elections, \$13,000 passed.

Public archives, \$5,160, passed.

Permanent settlements, \$16,600, passed.

Attorney General's department, \$27,000, was reconsidered as "expenses \$9000." Correa pointed out the inconsistency in decreasing the office force and then reducing the amount available for extra expenses. He moved to put the figure back as it stood originally at \$11,400. His motion carried, raising the total to \$29,400.

High Sheriff's department, \$88,800, passed as amended in a previous row.

Auditor's department, \$18,600, passed.

License Inspectors.

Treasurer's department items were taken up, having been deferred. Sheldon moved to strike out the item to pay the expenses of the enforcing of the liquor law, Shingle seconding the motion. Shingle wanted to put the enforcing of the law under the counties and to do away with the license inspectors. He said it was a simple matter for the police to see that the law was obeyed.

Rice wanted to know if Shingle proposed to amend the liquor law and Castro pointed out how the law gave the boards the right to appoint inspectors and what a mess would result from cutting out the appropriation. He said in part:

"The Boards of Commissioners would be justified in refusing to accept a police officer, appointed politically, as an inspector. A license inspector must be an intelligent man and I submit that much of the efficiency of the law depends upon the work of the inspectors. It would be a serious mistake for us to fail to appropriate for the pay of the inspectors of the various counties and would be also an amendment, to a certain extent, to the liquor law. I move the item pass as in the bill."

Waiwale asked that the matter be deferred until the Treasurer could give some information on the matter.

Sheldon Wants Police.

"What are deputy sheriffs for?" asked Sheldon. "Who should know better than them? If they don't know they shouldn't be there. I think it right to supply some money for detective expenses to run down illicit dealers, but so far as the reports of licensees go, the sheriffs should do the work. If they cannot they should not be sheriffs."

Shingle called on Coney, a man who had been both sheriff and license inspector and could speak intelligently.

Coney said his salary as license inspector on Kauai had been easy money to earn.

Castro's Strong Talk.

Castro stated that any commissioner would be justified in refusing to appoint any deputy sheriff. He had met several deputy sheriffs on Hawaii. "Those deputy sheriffs visited and patronized blind pigs and did not make any arrests. Why? Because they wanted votes on election day. I also know captains of police who visit and patronize blind pigs. Why? Because they expected political favors. If that's what you want, go on and refuse to appropriate for the pay of these license inspectors."

Shingle reminded Castro that the law would be now to appoint deputy sheriffs. If the House had faith in Sheriff Rice, Sheriff Jarrett, Sheriff Saffery and Sheriff Pua, the question was settled.

Loafers on Other Islands.

Kawewehi said the Hawaii inspector drew his salary and nothing else, and Nawahine of Maui said his church at Wailuku was disturbed during service at times by drunks from a nearby saloon.

Kamahu said that if the statements from Kauai, Maui and Oahu were true, the commissioners there ought to be ashamed of themselves. On Oahu the commissioners had Mr. Fennell, one of the most energetic men in the town, large revenues being derived from the faithful work accomplished by him. If the commissioners on the other islands appointed as good a man as Mr. Fennell, the results would be different.

Correa interrupted Kamahu and asked leave to make a remark. Kamahu agreed, whereat Correa moved that the committee rise. It rose, leaving Kamahu hanging in the air.

As soon as the committee had reported, the House took a recess.